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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**NICHOLAS C. SMITH-WASHINGTON**, on  
behalf of himself and all others similarly situated,

Plaintiff,

vs.

**TAXACT, INC.**,

Defendant.

Case No. 3:23-cv-830-VC

Honorable Vince Chhabria

**STIPULATION AND [PROPOSED] ORDER  
TO CONTINUE INITIAL CASE  
MANAGEMENT CONFERENCE UNTIL  
AFTER THE HEARING ON DEFENDANT'S  
MOTION TO STAY UNDER 9 U.S.C. § 3**

1 Pursuant to Civil Local Rules 6-12 and 7-12, and Paragraph 14 of the Court’s Standing Order  
2 for Civil Cases, Plaintiff Nicholas C. Smith-Washington and Defendant TaxAct, Inc. hereby agree and  
3 stipulate that good cause exists to request an order from the Court continuing the Initial Case  
4 Management Conference currently scheduled for May 12, 2023 until May 26, 2023 – i.e. 14 days after  
5 the May 18, 2023 hearing on Defendant’s Motion to Stay pursuant to Section 3 of the Federal  
6 Arbitration Act (“FAA”), 9 U.S.C. § 3 *et seq.*

7 WHEREAS, Defendant filed its Motion to Stay on March 2, 2023, and it was originally set to  
8 be heard on April 6, 2023 (Dkt. 12);

9 WHEREAS, on March 6, 2023 the Court set the initial Case Management Conference for May  
10 12, 2023 (Dkt. 16);

11 WHEREAS, on March 16, 2023, the Court granted the Parties’ stipulation to change the hearing  
12 date on the Motion to Stay to May 18, 2023, at 10:00 a.m.;

13 WHEREAS, the Court’s Standing Order for Civil Case provides that if a “defendant files a  
14 motion to dismiss that is dispositive of the entire case, the parties can stipulate to move the initial case  
15 management conference by 13 days after the hearing on the motion”;

16 WHEREAS, the Parties believe that Defendant’s Motion to Stay is a potentially dispositive  
17 motion, akin to a motion to dismiss;

18 WHEREAS, the Parties believe that, in light of the foregoing and to conserve the Court’s and  
19 the Parties’ resources, good cause exists to continue the May 12, 2023 Initial Case Management  
20 Conference until May 26, 2023 (i.e. 14 days after the Court’s hearing on Defendant’s Motion to Stay,  
21 as the 13th day after May 12 is a Thursday, and the Court holds case management conferences only on  
22 Fridays), and good cause exists to continue all related case deadlines;

23 WHEREAS, the Parties do not seek to continue the Initial Case Management Conference for  
24 the purpose of delay, and the proposed modification will not affect any additional pre-trial and trial  
25 dates, which have not yet been set by the Court.

26 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, subject  
27 to Court approval, that:  
28

1. The Initial Case Management Conference may be set for May 26, 2023 at 10 a.m.;
2. The Parties; Joint Case Management Statement is due by May 19, 2023; and
3. And all related deadlines are continued accordingly.

**IT IS SO STIPULATED.**

Dated: April 19, 2023

Respectfully submitted,

/s/ Julian Hammond

Julian Hammond (SBN 268489)  
HAMMONDLAW, P.C.

*Attorney for Plaintiff Nicolas C. Smith-Washington*

Dated: April 19, 2023

/s/Sheila A.G. Armbrust

Sheila A.G. Armbrust (SBN 265998)  
SIDLEY AUSTIN LLP

*Attorney for Defendant  
TaxAct, Inc.*

**PROPOSED ORDER**

Pursuant to the stipulation of the parties and and good cause being shown, IT IS ORDERED that: (1) the Initial Case Management Conference, currently scheduled for May 12, 2023, is continued until May 26, 2023 at 10:00 a.m.; (2) the Parties' Joint Case Management Statement is due by May 19, 2023.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. VINCE CHHABRIA  
United States District Court Judge